



W.P.No.8933 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.8933 of 2023

and

W.M.P.Nos.9071 and 9073 of 2023

T.Jayaprakash

... Petitioner

versus

- 1.The Government of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Public Works Department,
Fort St.George, Chennai – 600 009.
- 2.The District Collector,
Thiruvallur District,
Collector Office – 602 001.
- 3.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
- 4.The Revenue Divisional Officer,
Ponneri Taluk, Ponneri,
Thiruvallur District.
- 5.The Special Tahsildar (L.A),
Unit – I, Unit-II, Kannankottai-

Pg.Nos.1/13



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Thervoykandigai Reservoir Scheme,
Kavaraipettai Post, Gummidipoondi Taluk,
Thiruvallur District – 601 206.

6. B.Sivakumar

(Then the Special Tahsildar (L.A) Unit – I)
Presently working as the Special Tahsildar (Arbitration),
Thiruvallur Collectorate, Thiruvallur District.

7. The Executive Engineer,
Public Works Department,
Kannankottai Village,
Gummidipoondi Taluk,
Thiruvallur District – 601 206.

8.Sakunthala

9.Bama

10.Thara

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records relating to passing of the Award No.3 of 2014, dated 04.03.2014 and the consequential proceedings in Rc.No.06/ 2013/ A1/ Unit I/ block IV dated 21.09.2020 and quash the same and consequently direct the respondents to redeposit the determined amounts payable for the lands comprised in Survey Nos.131/2, 139 and 140 measuring a total extent of Acres 40.90 cents situated at No. 26 Kannankottai Village, Gummidipoondi Taluk, Thiruvallur District which was unlawfully paid to the respondents 8 to 10 in terms of Section 77 of the Central Act 30 of 2013 and to initiate appropriate proceedings against the respondents for the offences under Section 84, 85 and 87 of Central Act 30

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of 2013 within a time frame as fixed by this Honble Court.

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For Petitioner : Mr.N.Nithianandam

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 to R5 and R7

Mr.R.Krishnaswamy
for R9 and R10

R8 – Deceased

R6- Not ready in notice.

ORDER

This Writ Petition has been filed to quash the proceedings in Rc.No.06/ 2013/ A1/ Unit I/ block IV, dated 21.09.2020 and consequently direct the respondents to re-deposit the determined compensation amounts payable for the lands comprised in Survey Nos.131/2, 139 and 140, measuring an extent of Acres 40.90 cents, situated at No. 26 Kannankottai Village, Gummidipoondi Taluk, Thiruvallur District, which was unlawfully paid to respondents 8 to 10, in terms of Section 77 of 'Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013)' [hereinafter referred to as

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'Central Act, 30 of 2013']

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2. The brief facts of the case are as follows:

(i) Originally the subject properties were jointly purchased by the petitioner's father, namely Thiruvengadam and his brother namely, Devarajan and his friend one Karnan, by virtue of registered Sale Deed, dated 24.12.1965, vide Doc.No.5165 of 1965. Thus, they are joint owners, who are having equal shares in the subject properties. Since the petitioner and their siblings are settled in Foreign countries and due to old age of the petitioner's father Thiruvengadam and his uncle Devarajan, the said Karnan had to look after the said properties. Taking advantage of their absence, the said Karnan and his family members, in connivance with the Revenue Authorities, illegally mutated the Revenue Records in the name of Karnan for the subject properties. While being that so, the subject properties were acquired for the purpose of formation of "Kannankottai-Thervoikandigai Reservoir Scheme" under the provisions of the then existing Land Acquisition Act, I of 1894. In the meantime, the Central Act, 30 of 2013 came into force w.e.f 01.01.2014 before the Award came to be passed in the respective acquisition of lands. The fifth respondent (Land Acquisition



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Officer), without verifying the records relating to the subject properties, passed an erroneous Award in Award No.3 of 2014, dated 04.03.2014 in the name of the said Karnan. While so, the determined statutory compensation of about Rs.8 Crores for the subject properties, was paid to the legal heirs of late Karnan, namely respondents 8 to 10, since Karnan died on 13.12.2012. Hence, the petitioner had given a representation dated 17.08.2016 to the Chief Minister's Cell, Secretariat, Chennai. However, without considering the said representation, the fifth respondent (Land Acquisition Officer) in collusion with respondents 8 to 10 and by proceedings in Na.Ka.No.2017, dated 24.07.2017, rejected the request of the petitioner to pay compensation and also the petitioner was directed to produce the supporting documents to take further action.

(ii) In compliance with the said directions, to prove the ownership over the subject properties, the petitioner has submitted the registered Sale Deed in the name of the petitioner's father and his brother, and requested the Land Acquisition Officer for payment of determined statutory compensation to the joint owners proportionately, but there was no response till date. The



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said proceedings of the fifth respondent are in violation of the provisions of Land Acquisition Act, namely Sections 30 and 31 of the then Central Act I of 1894 and/or Section 76 of Central Act, 30 of 2013. The petitioner has raised his objections as early as in 2016, by producing the documents to prove their title, however, the authority concerned, in collusion with the private respondents, paid final compensation for the acquired lands in 2018 and interest in September, 2021. Hence, the action of respondents amounts to offences prescribed in Chapter – XII, Sections 84, 85 and 87 of Central Act 30 of 2013.

(iii) As per Sections 30 and 31 of the Land Acquisition Act I of 1894, if any dispute was raised regarding payment of compensation, it is the bounden duty of the Land Acquisition Officer to deposit the entire compensation amount before the competent Civil Court, however, the respondents 5 and 6, in collusion with the respondents 8 to 10, paid entire compensation directly to respondents 8 to 10. Hence, the petitioner had given representations dated 25.02.2022 and 23.03.2022, respectively to the respondents. In response, the fifth respondent issued notice to the petitioner



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for enquiry, as such, the petitioner and his family members appeared before the fifth respondent and submitted their written statement on 20.09.2022.

After enquiry, the fifth respondent informed the petitioner that they will issue summons to respondents 8 to 10 and thereafter, conclude the enquiry, however, the fifth respondent did not send any summons to the respondents 8 to 10, till date. Hence, the present Writ Petition has been filed by the petitioner for the relief stated supra.

3. Learned counsel for the petitioner submitted that the lands in question were acquired under the Land Acquisition Act, I of 1894. During the enquiry, since the petitioner is in Singapore, he had sent an objection through his authorised agent for getting the compensation apportionment to his acquired lands and the same was considered by the authority concerned. Despite raising objections at every stage, the authority concerned considered the request of the petitioner and also gave assurance that the compensation would be paid to all the joint owners in accordance with law, but they have not paid the same. He further submitted that respondents 8 to 10 have given application for enhancement of compensation and at the time also, the



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petitioner raised his objection and the said objection was also considered.

Even in the impugned order and other orders, the authority concerned discussed about the objections raised by the petitioner. Once the writ petitioner raised his objections regarding the title, right and interest over the subject properties, which were acquired under the Land Acquisition Act, and also regarding the payment of compensation, it is for the Land Acquisition Officer to refer the matter to the Civil Court/Land Acquisition Tribunal. He further submitted that as per Sections 30 and 31 of the Land Acquisition Act I of 1894 corresponding to Section 11 of Central Act, 30 of 2013, the authority concerned, instead of referring the matter to the Civil Court/Land Acquisition Tribunal, the Land Acquisition Officer paid the entire compensation amount to respondents 8 to 10, which is against the settled proposition of law. Therefore, the petitioner has filed the present writ petition.

4. Learned Additional Government Pleader appearing for respondents 1 to 5 and 7, by referring to counter affidavit, submitted that the subject properties were registered in the name of late Karnan and Ryotwari Patta in



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the name of the late Karnan was also registered in the settlement register, consequent on the implementation of the Tamil Nadu Leasehold (Abolition and Conversion into Ryotwari) Act, 1963 in the year 1968. Though the Land Acquisition Officer has not received any objection from any quarter, he passed Award No.3 of 2014, on 04.03.2014 in the name of late Karnan. The petitioner has sent his representation in February, 2016, however, he has not produced any valid documentary evidence to prove his claim and hence, the entire compensation and interest were paid to the legal heirs of late Karnan in respect of the acquired lands in May 2018 and in September 2020, respectively.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 5 and 7 and perused the materials available on record.

6. Though the private respondents 9 and 10 entered appearance through their counsel, they did not file their counter affidavit.



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7. The fact remains that in the counter affidavit filed by respondents 1 to 5 and 7 itself, they have stated that they paid compensation to the legal heirs of late Karnan. Despite that the petitioner has raised his objections regarding the title, right and interest over the subject properties and also for payment of compensation, and the official respondents, without referring the matter to the Civil Court/Land Acquisition Tribunal, paid the entire compensation directly to the legal heirs of late Karnan. Therefore, the payment made by the respondents is unwarranted. Due to wrong compliance made by the official respondents, the petitioner should not suffer for it.

8. In the light of the above facts and circumstances, the fifth respondent is directed to deposit the entire compensation amount in respect of the acquired subject lands before the Civil Court/Land Acquisition Tribunal and refer the matter under Section 11 of Central Act, 30 of 2013 within a period of four weeks from the date of receipt of a copy of this order. The same has to be intimated to the petitioner and other interested parties, if any. On receipt of the intimation, the petitioner is at liberty to approach the Civil Court/Land Acquisition Tribunal and establish his right, title and



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interest over the acquired properties under Section 11 of Central Act, 30 of 2013. The fifth respondent is at liberty to recover the said amount from the private respondents.

9. With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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